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Docket No.: 2038-316

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Toshifumi OTSUBO

Confirmation No.5535

U.S. Patent Application No. 10/735,835

Group Art Unit: 3728

Filed: December 16, 2003

Examiner: DAVID FIDEL

For: PACKAGED DIAPERS ASSEMBLY

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Sir:

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The owner, Uni-Charm Co., Ltd., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 10/751,479, filed on January 6, 2004. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event

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that any such granted patent; expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The undersigned is an attorney of record and therefore the certification under 37 CFR 3.73(b) is not required.

Respectfully submitted,

LOWE HALPTMAN & BERNER, LLP

Berijamin J. Hauptman Registration No. 29,310

USPTO Customer No. 22429 1700 Diagonal Road, Suite 310 Alexandria, VA 22314 (703) 684-1111 BJH/KL/klb (703) 518-5499 Facsimile Date: September 2, 2005

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